



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #745

Personnel System for Faculty and Academic Staff (UW-Madison Authority and UW System)

[LFB 2011-13 Budget Summary: Page 466, #11 and 12, 469, #16, and 18]

CURRENT LAW

UW System unclassified employees are state employees.

The Board of Regents may grant tenure to faculty members when certain conditions are met. Faculty members who have not yet been granted tenure may be granted a probationary appointment not to exceed seven consecutive academic years. Tenured faculty members may be dismissed only for just cause and only after due notice and hearing. Faculty members having probationary appointments may be dismissed prior to the end of the person's contract term only for just cause and only after due notice and hearing. The Board of Regents and its several faculties must promulgate rules after consultation with students for tenure and probationary appointments and notices and hearings.

A person having an academic staff appointment for a term can be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. A person having an academic staff appointment for an indefinite term who has attained permanent status can be dismissed only for just cause and only after due notice and hearing. Current law also provides for the establishment of policies regarding probationary periods and other conditions of appointment, permits librarians to be appointed as ranked faculty, requires the Board of Regents to formally promulgate rules for dismissal, and creates a right to judicial review of dismissals.

"Academic staff" is defined as professional and administrative personnel with duties that are primarily associated with higher education institutions or their administration, but does not include faculty. The UW System Board of Regents is required to: (a) follow policies regarding the designation of positions as academic staff exempt from classified service; and (b) establish and maintain job categories and pay ranges for those job categories for academic staff positions.

GOVERNOR

Transfer all UW System employees assigned to UW-Madison to the UW-Madison authority on the effective date of the bill. Require the Board of Trustees to develop and implement effective July 1, 2012, a personnel system that would be separate and distinct from the state's personnel system. Provide that the system would be developed and implemented with the active participation of the faculty and academic staff.

Create language related to faculty tenure and probationary appointments by the UW-Madison Board of Trustees that would be identical to current law under the UW System Board of Regents, except that: (a) the Board of Trustees would not be required to formally promulgate its rules for tenure, probationary appointments, or the dismissal of tenured faculty; (b) the Board of Trustees would not be required to consult with students in creating such rules; and (c) there would be no references to ranked and unranked faculty. In addition, provide that any person who holds a tenured appointment on the effective date of the bill would continue to hold tenure and any person who holds a probationary appointment on the effective date of the bill would continue to enjoy the contractual rights and guarantees of such an appointment.

Provide that a person having an academic staff appointment for a term could be dismissed prior to the end of the appointment term only for just cause and only after due notice and hearing. Specify that a person having an academic staff appointment for an indefinite term who has attained permanent status could be dismissed only for just cause and only after due notice and hearing. Define "academic staff" as those employees who were designated as academic staff when employed by the UW System and employees hired as or designated as academic staff by the Board of Trustees.

DISCUSSION POINTS

1. Under current law, the Board of Regents establishes and maintains job categories for academic staff and assigns those job categories to salary ranges. The UW System groups academic staff into ten categories: (1) executives; (2) academic program directors; (3) instructional academic staff; (4) research academic staff; (5) directors; (6) administrative officers; (7) other academic staff; (8) program managers; (9) professionals; and (10) employees in training. The professional, administrative director, administrative officer, and program manager job titles are assigned to one of thirteen salary grades with a specified salary minimum and maximum. Instructional staff and research academic staff titles are assigned a minimum salary, which is set at a percentage of the systemwide minimum for the corresponding faculty rank, but no maximum salary.

2. Faculty positions are assigned to one of four faculty ranks -- professor, associate professor, assistant professor, or instructor -- consistent with practice across institutions of higher education. Faculty ranks are assigned a minimum salary but no maximum salary.

3. Each UW institution develops its own recruitment and hiring procedures for faculty and academic staff positions. In addition, the Board of Regents has promulgated administrative rules specifying procedures for dismissals, complaints and grievances, and a code of ethics for UW faculty and academic staff.

4. In general, the Board of Regents has established a personnel system for UW faculty

and academic staff that is separate from the state personnel system. However, the Board of Regent's authority in regard to unclassified employees is limited by statute in three primary areas: (a) authority to adjust pay ranges for academic staff; (b) designation of positions as academic staff; and (c) creation and abolition of positions.

5. While the Board of Regents has the authority to assign academic staff job categories to pay ranges, these pay ranges may only be increased through the Legislature's Joint Committee on Employment Relations (JCOER) compensation plans. Under the bill, the UW-Madison authority Board of Trustees would approve pay plans for UW-Madison academic staff which would inherently give the Board of Trustees the ability to increase pay ranges. Under the Board of Regents' proposed Wisconsin Idea Partnership, the Regents' would approve compensation plans for unclassified employees and would, therefore, be able to increase pay ranges for unclassified personnel.

6. Under current law, a UW institution may not designate a classified position as an academic staff position without approval from the director of the Office of State Employment Relations (OSER). Under Chapter 335, Laws of 1973, which implemented the merger of the UW System, the Board of Regents and the OSER director were required to jointly adopt general policies regarding the designation of positions as academic staff. These policies specify that academic staff positions should meet one of the following three criteria: (a) involves teaching, research, or public services responsibilities or academic support activities or academic program administration; (b) is separate and distinct to higher education; or (c) involves assigned duties which require close peer relationships with members of the faculty and academic administrators.

7. Under the bill, the UW-Madison authority would develop a personnel system that would be separate from the current state personnel system and the Board of Trustees would not require approval from the OSER director to designate a classified position as an academic staff position. Indeed, given the authority to create a separate personnel system, UW-Madison may be able to eliminate the distinction between classified and unclassified employees altogether and create one singular personnel system. However, since most classified employees are currently represented by labor unions and covered by contracts, it is unclear to what extent unclassified and classified employees could be merged into a single personnel system.

8. Under the Wisconsin Idea Partnership, the Board of Regents would be granted the authority to designate positions as academic staff without the approval of the OSER director. Under current practice, classified employees may work closely with academic staff or have similar responsibilities and duties. In these cases, the ability to designate classified employees as academic staff would allow UW institutions to treat these similar employees similarly. However, by granting this authority to the Board of Regents, OSER's ability to ensure that employees who perform similar jobs across state agencies receive the same treatment would be decreased. As with UW-Madison, it is also unclear whether the Board of Regents would be able to designate a position that is currently part of a bargaining unit as academic staff.

9. Finally, the Board of Regents' authority to create and abolish faculty and academic staff positions is limited by state statutes. Under current law, the UW System Board of Regents may create or abolish positions that are funded through: (a) its largest general purpose revenue appropriation for general program operations, subject to the conditions established in a memorandum of understanding with the Department of Administration (DOA); (b) certain program

revenue appropriations, including the auxiliary enterprises, general operations receipts, and gifts and donations appropriations; (c) federal appropriations for aid and indirect cost reimbursement; (d) certain revenues credited to the academic fees (tuition) appropriation; and (e) all segregated fund appropriations. Positions that are funded through all other non-federal appropriations may be created or abolished only by the full Legislature or the Joint Committee on Finance under s. 13.10.

10. Under the bill, the UW-Madison authority Board of Trustees would have the authority to create or abolish positions on all fund sources consistent with its status as an authority. As the Board of Trustees would fund salaries and fringe benefit cost for its employees with its own resources, the creation of additional employees would not increase the state's future funding obligations. Under the Wisconsin Idea Partnership, the Board of Regents would similarly be granted the authority to create and abolish positions on all fund sources. If the Committee grants the Board of Regents the authority to create and abolish positions but the UW System remains eligible for pay plan supplements and full funding of salaries and fringe benefits through standard budget adjustments, the Committee may wish to specify that positions created by the Board of Regents and funded with GPR and tuition should not be included in pay plan supplement and standard budget adjustment requests unless the positions are approved by the Legislature.

ALTERNATIVES

A. UW-Madison Authority

1. Approve the Governor's recommendations.
2. Delete the Governor's recommendations.

B. UW System

1. Authorize the Board of Regents: (a) to create and abolish positions on all fund sources; and (b) designate positions in the classified service as academic staff positions without the approval of OSER. Specify that positions created by the Board of Regents and funded with GPR and tuition should not be included in pay plan supplement and standard budget adjustment requests unless the positions are approved by the Legislature

2. Take no action.

C. Position Creation Authority

1. Authorize the Board of Regents to create and abolish positions on all fund sources. Specify that positions created by the Board of Regents and funded with GPR and tuition would not be included in pay plan supplement and standard budget adjustment requests unless the positions are approved by the Legislature.

2. No action.

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